

JOURNAL OF THE HOUSE.

Tuesday, April 8, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Truth, we begin today's legislative session with a prayer for guidance as we consider and address the legislative issues of the day. Help us understand fully the impact and consequences of our own decisions for today's society and for the future of our communities. Inspire us to continue to remain faithful to our own ideals, values and common good goals. Let our hearts and minds be filled with peace and happiness as we work together to improve the quality of life for all. Teach us to be aware of and to respect the legislative programs and accomplishments of the past which have made our communities peaceful, ethical, prosperous and meaningful of the needs of all.

Prayer.

Grant your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Fallon of Malden.

A statement of Mr. Rogers of Norwood concerning Mr. Fallon of Malden was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fallon of Malden, will not be present in the House Chamber for today's sitting due to his recovering from a recent hospitalization. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Fallon of Malden.

Statement Concerning Representative Golden of Lowell.

A statement of Mr. Rogers of Norwood concerning Mr. Golden of Lowell was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Golden of Lowell, will not be present in the House Chamber for today's sitting due to official business outside the Commonwealth. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Golden of Lowell.

Guests of the House.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Miss Massachusetts, Michele Spaleta of Brighton and Miss Teen Massachusetts, Lyndsey Fernandes of Westport. They were the guests of Representatives Honan of Boston, Rodrigues of Westport and Moran of Boston.

Michele
Spaleta and
Lyndsey
Fernandes.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Petrolati of Ludlow) congratulating Mr. and Mrs. Antonio B. Dasilva on the occasion of their fiftieth wedding anniversary;

Resolutions (filed by Mr. Turner of Dennis and other members of the House) congratulating Thomas N. George on the occasion of his retirement as town moderator; and

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Spellane of Worcester, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Cabral of New Bedford, joint petition (subject to Joint Rule 12) of Antonio F. D. Cabral and others for the issuance of an annual proclamation by the Governor setting apart the second Monday of June as Massachusetts Nonprofit Awareness Day.

By Mr. Hynes of Marshfield, petition (subject to Joint Rule 12) of Frank M. Hynes for legislation to classify medical officers in Group 4 of the public employees retirement law.

By Mr. Lantigua of Lawrence, petition (subject to Joint Rule 12) of William Lantigua and others for legislation to establish a moratorium on foreclosures of certain property and providing for judicial review of all such mortgage foreclosures in the Commonwealth.

By Ms. Malia of Boston, petition (subject to Joint Rule 12) of Elizabeth A. Malia and others for legislation to further regulate the eviction of tenants or occupants of foreclosed properties.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito and others relative to the disposition of certain property in the town of Westborough by the Division of Capital Planning and Operations and said town.

Severally, under Rule 24, to the committee on Rules.

Reports of Committees.

By Mr. Bosley of North Adams, for the committee on Economic Development and Emerging Technologies, on House, Nos. 356, 360, 363, 366, 371 and 4027, an Order relative to authorizing the committee on Economic Development and Emerging Technologies to make an investigation and study of certain House documents concerning gambling establishments, casinos and slot machines in the Commonwealth (House, No. 4657).

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 3404, 4479 and 4512, an Order relative to authorizing the committee on Education to make an investigation and study of certain House documents concerning student safety issues (House, No. 4658).

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on House, Nos. 106, 123, 137, 914, 1129, 1131, 1143, 1145, 1148, 1158, 1164, 1170, 1906, 1907, 2084 and 2239, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of certain House documents concerning health care and health care providers and other related matters (House, No. 4659).

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on House, No. 1875, an Order relative to authorizing the committee on Mental Health and Substance Abuse to make an investigation and study of certain House documents concerning methadone clinics (House, No. 4660).

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on House, Nos. 3397 and 3400, an Order relative to authorizing the committee on Tourism, Arts and Cultural Development to make an investigation and study of certain House documents concerning culture issues (House, No. 4661).

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on Senate, Nos. 2126 and 2127 and House, Nos. 3699, 3702, 3704, 3717, 3718, 3719 and 3724, an Order relative to authorizing the committee on Veterans and Federal Affairs to make an investigation and study of certain Senate and House documents concerning veterans' agents and veterans' benefits (House, No. 4662).

By the same member, for the same committee, on House, Nos. 3619, 3697, 3706, 3712, 3720, 3721, 3722 and 3723, an Order relative to authorizing the committee on Veterans and Federal Affairs to make an investigation and study of certain Senate and House documents concerning veterans' benefits and services (House, No. 4663).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Engrossed Bills.

The engrossed Bill establishing a charter for the town of Medway (see House, No. 4460, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Regulating certain insurance benefits for elected officials of the town of Easton (see Senate, No. 1525); and

Designating a portion of the Bremen Street Park in the East Boston section of the city of Boston as the Representative George DiLorenzo Playground (see Senate, No. 2393);

(Which severally originated in the Senate);

Antonio
and Rosa
Dasilva.

Thomas N.
George.

Nonprofit Aware-
ness
Day.

Medical
officers,
retirement.

Foreclosures.

El

Westborough,
property
disposition.

Gambling,
study.

Student safety,
study.

Health care,
study.

Methadone
clinics,
study.

Culture
issues,
study.

Veterans
agents,
study.

Veterans
benefits, study.

Bill
re-enacted.

Bills
enacted.

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Second
reading
bills.

Orders of the Day.

House bills

To protect the mentally ill in emergency rooms (House, No. 2042, changed);

Exempting the position of chief of police in the city of Methuen from the civil service law (House, No. 4461);

Protecting governmental units from unanticipated health care costs (House, No. 4566);

Authorizing the city known as the town of Watertown to fill by appointment a vacancy in the Board of Trustees of the public library (House, No. 4584);

Establishing a sick leave bank for Carol A. Wall, an employee of the Department of Mental Retardation (House, No. 4912);

Designating a certain interchange in the town of Yarmouth as the State Trooper Ellen Engelhardt Interchange (House, No. 4918); and

Relative to a sick leave bank for an employee of the Commonwealth (House, No. 4924);

Severally were read a second time; and they were ordered to a third reading.

Recesses.

At a quarter after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed to one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Hill of Ipswich, subject to the call of the Chair; and at twelve minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Tax
fairness.

The House Bill improving tax fairness and business competitiveness (House, No. 4645) was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4656),— Mr. DeLeo of Winthrop moved that the subject-matter be recommitted to the committee on Ways and Means.

After debate the motion prevailed.

Boston,
land
conveyance.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the conveyance of certain parcels of land in the city of Boston (see House, No. 4185, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for

Bill enacted (land
taking),
yea and nay
No. 293.

the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 293 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Saugus,
Kasabuski
Rink.

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 2625) of Thomas M. McGee, Anthony D. Galluccio, Mark V. Falzone, and Kathi-Anne Reinstein (by vote of the town) for legislation relative to the Kasabuski Rink in Saugus, was referred, in concurrence, to the committee on Bonding, Capital Expenditures and State Assets.

Transportation
bond.

The House Bill financing improvements to the Commonwealth's transportation system (House, No. 4637) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the text contained in Senate document numbered 2613, amended in section 19, in line 74, by striking out the words "an employee" and inserting in place thereof words "a retiree"; in section 20, in lines 96 to 102, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"Notwithstanding any provision of this section to the contrary, the regulations and guidelines promulgated hereunder shall ensure that the awarding authority of the public works contract has the authority to determine the appropriate traffic control measures; provided, however, that when a municipality is the awarding authority, the traffic control measures shall be consistent with the ordinances or bylaws of the municipality wherein the public works project is being undertaken and the measurers shall not affect any applicable provisions of a collective bargaining agreement under chapter 150E of the General Laws."; and by striking out section 34 and inserting in place thereof the following:

"Section 34. Sections 17 and 19 shall apply to persons who retire after December 31, 2008."

Under suspension of Rule 35, on motion of Mr. Wagner of Chicopee, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

After debate on the question on concurring with the Senate in its amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 115 members voted in the affirmative and 41 in the negative.

[See Yea and Nay No. 294 in Supplement.]

Therefore the amendment was adopted, in concurrence.

Amendment
adopted,
yea and nay
No. 294.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-nine minutes before four o'clock P.M., on motion of Mr. Scaccia of Boston (Mr. Donato of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.